

**IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MARYLAND**

<b>OSCAR SANTOS, <i>et. al.</i></b>	)	
	)	
<b><i>On behalf of themselves and</i></b>	)	
<b><i>all others similarly situated</i></b>	)	
	)	
Plaintiffs,	)	CASE NO.: <b>8:20-cv-02737-DLB</b>
	)	
	)	
	)	
<b>E&amp;R SERVICES, INC, <i>et. al.</i></b>	)	
	)	
Defendants.	)	

**PLAINTIFFS' FEE PETITION AS DIRECTED BY THE COURT'S ORDER (ECF 111)**

Plaintiffs, by and through undersigned counsel, file this fee petition as directed by the Court's Order (ECF 11), and state as follows:

On August 12, 2022, the Court granted in part Plaintiffs' second (ECF 79) and third (ECF 84) motions to hold the Defendants and their Counsel in contempt. The Court's stated its conclusion as follows:

The plaintiffs' second and third motions to hold the defendants in civil contempt, ECF 79 & 84, are granted in part. The Court finds the defendants in civil contempt for failure to obey the December 23, 2021 Order and defense counsel in civil contempt for failure to obey the March 1, 2022 Order. Accordingly, the defendants must pay the plaintiffs' attorneys' fees and costs incurred in connection with their third contempt motion, ECF 84, and their motion for supplemental notice, ECF 90. Defense counsel must pay the plaintiffs' fees and costs incurred in connection with their second contempt motion, ECF 79, as well as the fees and costs the plaintiffs will incur performing the Court-ordered work that defense counsel failed to perform. The plaintiffs are directed to submit a fee petition by September 2, 2022.

In accordance with the above order, Plaintiffs' Counsel have segregated their time into four categories as set forth on Exhibit B (exercising billing discretion throughout, and using the rates

this Court previously approved, see ECF 88). The four categories are: (1) Time Attributable to Plaintiffs' Second Motion for Contempt (ECF 79); (2) Time Attributable to Plaintiffs' Third Motion for Contempt (ECF 84); (3) Time Attributable to Plaintiffs' Motion for Supplemental Notice (ECF 90); and (4) Time Attributable to More than One Motion.

The first three categories are self-explanatory. The fourth category notes time Plaintiffs' Counsel spent that is apportioned to more than one of the at issue motions. For example, Plaintiffs' Counsel spent time preparing for and attending hearings where all three motions were argued. Plaintiffs propose apportioning this time *pro rata* as set forth below:

Motion	Fees (from Ex. 2)	<i>Pro rata</i> %	Total + <i>Pro rata</i> % of Time Attributable to more than one Motion
Second Motion for Contempt (ECF 79)	\$1,867.50	$\$1,867.50/\$6,175=30.2\%$	$\$1,867.50+\$984.41=\$2,851.91$
Third Motion for Contempt (ECF 84)	\$962.50	$\$962.50/\$6,175=15.6\%$	$\$962.50+\$507.36=\$1,469.86$
Motion for Supplemental Notice (ECF 90)	\$3,345.00	$\$3,345.00/\$6,175=54.2\%$	$\$3,345.00+\$1,763.23=\$5,108.23$
SUBTOTAL	\$6,175.00		
Time Attributable to more than one Motion	\$3,255.00		

In addition, Plaintiffs' counsel hired a class administrator to mail the notice directed by the Court's Order granting in part the Plaintiff's Motion for Supplemental Notice. ECF 106. The class administrators' fee is \$1,635. See Exhibit A, Declaration of James Rubin.

These fees outlined above and on Exhibit B are consistent with those customarily charged in this locality for legal services in the area of employment law by attorneys with qualifications

and skills similar to Mr. Rubin and Mr. Uslan. See Exhibit A, Declaration of James Rubin.

WHEREFORE, plaintiffs request an award of:

1. **\$2,851.91 as against Defendants' Counsel** for the fees incurred in connection with the Second Contempt Motion;
2. **\$6,579.09 as against Defendants** for the fees incurred in connection with the Third Contempt Motion and the Motion for Supplemental Notice; and
3. **\$1,635.00 as against Defendants** for the costs incurred in connection with the mailing of notice as directed by the Court's Order granting in part Plaintiffs' Motion for Supplemental Notice.

Respectfully submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
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Attorneys for Plaintiffs

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a copy of the foregoing motion was served upon the following counsel this 31st day of August, 2022, via the Court's CM/ECF system:

Dmitri A. Chernov, Esq.  
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Rockville, Maryland 20852

/s/ \_\_\_\_\_  
James Rubin